

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MAY 16, 2002**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District

ABSENT: John R. Byers, Mount Vernon District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON RZ/FDP-2001-PR-054, D. R. HORTON, INC., TO A DATE CERTAIN OF MAY 30, 2002.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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Commissioner Moon called the Commission's attention to a memorandum from Jane Gwinn, Zoning Administrator, dated May 16, 2002, concerning the proposed Zoning Ordinance Amendment for Vehicle Parking in Front Yards for Single Family Detached Dwellings. He requested that Commissioners forward their comments to him prior to May 29, 2002. He then MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON THIS MATTER FROM MAY 23, 2002 TO A DATE CERTAIN OF MAY 29, 2002.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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Commissioner Smyth MOVED THAT THE PUBLIC HEARING ON RZ-2001-PR-050 AND FDP-2001-PR-050, STANLEY-MARTIN HOMEBUILDING, BE FURTHER DEFERRED TO A DATE CERTAIN OF MAY 30, 2002.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WALKWAY AS DEPICTED IN SITE PLAN #6796-SP-07-2.

Commissioner Kelso seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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Commissioner Kelso MOVED THAT THE DECISION ONLY ON OUT-OF-TURN PLAN AMENDMENT S01-CW-1CP (TELEGRAPH ROAD STUDY) BE DEFERRED FROM MAY 23, 2002 TO A DATE CERTAIN OF MAY 29, 2002.

Commissioner Smyth seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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Commissioner Kelso announced that the Planning Commission's School Facilities Committee would meet at 7:30 p.m. on Wednesday, May 22, 2002 and the Parks Committee would meet at 8:30 p.m. on Wednesday, May 22, 2002 in the Board Conference Room.

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Commissioner DuBois announced her intent to defer the public hearing on SEA-93-D-027-2, Exxon Mobil Corporation, from May 30, 2002 to July 25, 2002.

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Chairman Murphy noted that the Planning Commission would not meet on Wednesday, May 22 or Thursday, May 23, 2002.

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In Commissioner Hall's absence, Chairman Murphy MOVED THAT THE PUBLIC HEARING ON RZ-2001-MA-049 AND FDP-2001-MA-049, SEVILLE HOMES, LLC, BE DEFERRED FROM MAY 23, 2002 TO A DATE CERTAIN OF MAY 29, 2002.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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FSA-L92-9-2 - VERIZON WIRELESS - 2970 Southgate Drive

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE MODIFICATION PROPOSED BY VERIZON WIRELESS FOR A TELECOMMUNICATIONS FACILITY LOCATED AT 2970 SOUTHGATE DRIVE, FSA-L92-9-2, IS IN CONFORMANCE WITH THE RECOMMENDATION OF THE COMPREHENSIVE PLAN AND CONSISTENT WITH PRIOR APPROVAL GRANTED BY THE PLANNING COMMISSION ON NOVEMBER 11, 1992 FOR 456-L92-9 AND IS RECOMMENDED THAT THE MODIFICATION BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15-2.2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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FSA-66-2 - AT&T WIRELESS SERVICES - 5716 South Van Dorn Street

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE MODIFICATIONS PROPOSED BY AT&T WIRELESS SERVICES FOR THE FACILITY LOCATED AT 5716 SOUTH VAN DORN STREET, FSA-66-2, IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND THE PRIOR APPROVAL OF FSA-66-1, GRANTED BY THE PLANNING COMMISSION ON OCTOBER 5, 2000 AND THAT THIS APPROVAL IS CONTINGENT ON THE IMPROVEMENTS (SCREENING) DEPICTED IN THE LETTER DATED MAY 2, 2002 AND MADE PART OF THIS REQUEST, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioners Smyth and Koch seconded the motion which carried unanimously with Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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FSA-H97-35 - AT&T WIRELESS SERVICES - 11400 South Lakes Drive

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE MODIFICATIONS PROPOSED BY AT&T WIRELESS FOR THE TELECOMMUNICATIONS FACILITY LOCATED AT SOUTH LAKES HIGH SCHOOL ARE IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND ARE CONSISTENT WITH THE PRIOR APPROVAL GRANTED BY THE PLANNING COMMISSION UNDER FS-H97-35 ON JULY 30, 1997 AND THAT THE MODIFICATIONS ARE CONSIDERED TO BE A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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456A-D97-17-1 - AT&T WIRELESS SERVICES - 6300 Georgetown Pike

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION OF THE MODIFICATIONS PROPOSED IN 456A-D97-17-1.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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RZ-2001-SP-041/FDP-2001-SP-041 - CENTEX HOMES (Decisions Only)

(The public hearing on these applications was held on May 15, 2002. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2001-SP-041, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED MAY 16, 2002, WITH THE FOLLOWING ADDITION AND THAT WOULD BE IN PROFFER 29 WHICH NOW READS: "AT THE TIME OF THE ISSUANCE OF THE NON-RUP FOR THE COMMUNITY RECREATION FACILITIES, RESIDENTS OF THE CAMBRYAR AND FAIRFAX RIDGE COMMUNITIES SHALL BE AFFORDED THE OPPORTUNITY TO ACQUIRE A MEMBERSHIP IN THE COMMUNITY RECREATION FACILITIES AT THE SAME COST AS IS ALLOCATED TO EACH PARTICIPATING LOT WITHIN THE PROPERTY."

Commissioner Koch seconded the motion which carried by a vote of 6-0-2 with Commissioners DuBois and Smyth abstaining; Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2001-SP-041, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED MAY 1, 2002 AND THE BOARD'S APPROVAL OF RZ-2001-SP-041.

Commissioner Koch seconded the motion which carried by a vote of 6-0-2 with Commissioners DuBois and Smyth abstaining; Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS IN ACCORDANCE WITH THE CDP/FDP FOR THE PERIMETER OF THE SITE AND BETWEEN THE RESIDENTIAL AND PUBLIC USES WITHIN THE DEVELOPMENT.

Commissioner Koch seconded the motion which carried by a vote of 6-0-2 with Commissioners DuBois and Smyth abstaining; Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 200 SQUARE FOOT PRIVACY YARD REQUIREMENT FOR REAR-LOAD SINGLE FAMILY ATTACHED UNITS AND A WAIVER OF THE 600 FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Koch seconded the motion which carried by a vote of 6-0-2 with Commissioners DuBois and Smyth abstaining; Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel , Chairman Murphy established the following order for the agenda items:

1. PCA-1998-PR-058 - TYCON TOWER I & III INVESTMENT
SEA-83-P-045-4 - TYCON TOWER I & III INVESTMENT
2. ZONING ORDINANCE AMENDMENT (Editorial Revisions)
3. ZONING ORDINANCE AMENDMENT (Affordable Dwelling Unit Program)

This order was accepted without objection.

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PCA-1998-PR-058 - TYCON TOWER I INVESTMENT LIMITED
PARTNERSHIP AND TYCON TOWER III INVESTMENT

CORPORATION - Appl. to amend the proffers for RZ-1998-PR-058 previously approved for office development to permit bldg. & site modifications w/an overall FAR of 1.65 on property located on the N. side of Towers Crescent Dr., approx. 1,000 ft. N.W. of the intersection of Leesburg Pike & the Capital Beltway on approx. 18.05 ac. zoned C-4, HC & SC. Comp. Plan Rec: Office. Tax Map 39-2((29))1A1, 1D1 & B. (Concurrent w/SEA-83-P-045-4.) PROVIDENCE DISTRICT.

SEA-83-P-045-4 - TYCON TOWER I INVESTMENT LIMITED
PARTNERSHIP AND TYCON TOWER III INVESTMENT

CORPORATION - Appl. under Sect(s). 4-404 & 9-607 of the Zoning Ord. to amend SE-83-P-045 previously approved for an increase in bldg. height to permit bldg. & site modifications on property located at 8000 Towers Crescent Dr. on approx. 18.05 ac. zoned C-4, HC & SC. Tax Map 39-2((29))1A1, 1D1 & B. (Concurrent w/ PCA-1998-PR-058.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Timothy Sampson, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated April 10, 2002. There were no disclosures by Commission members.

Ms. Cathy Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Mr. Sampson said the applications proposed two changes to the development plan at Towers Crescent, one of the gateway sites in the core of Tysons Corner. He said the first change was the addition of an 80-foot high architectural spire to the top of Building F, and the second was an extension of the existing P-6 parking garage level to connect it to the existing parking garage behind Building A. He noted that the spire was an important architectural element of the project and said after discussions with staff and input from the residents of the Encore and the Regency of McLean, the applicant had agreed not to light it. However, he said staff ultimately prepared a development condition that prohibited lighting of the entire building. He explained that in an effort to resolve this issue, staff and the applicant had agreed that the lighting plan would be subject to anticipated revisions to the Zoning Ordinance updating glare standards, but that Commissioner Smyth was not in agreement with this suggestion. He pointed out that the roof of the building was an approved component of the plan and said that the applicant could not agree to the development condition as proposed.

Ms. Lewis responded to a question from Commissioner Smyth about the anticipated amendment to the Zoning Ordinance concerning glare standards.

In response to a question from Chairman Murphy, Ms. Lewis said that other buildings in Tysons Corner had not been subject to lighting plans, but that concerns had been recently expressed about lighting in that area. Chairman Murphy commented that because Tysons Corner was the urban center of Fairfax County, lighting was to be expected.

Commissioner Smyth said she was concerned about the impact of lighting on existing and future residential development and about buildings competing with each other in terms of lighting. She explained that she wanted to ensure that lighting of buildings in the Tysons area was planned and did not occur haphazardly. Mr. Sampson pointed out that the applicant had agreed not to light the spire, but took issue with staff's request not to light any part of the top of the building because it was not within the scope of the application.

Mr. David King, with Smith Group Architects, described how the applicant would like the lighting of the building to appear.

Ms. Lewis and Ms. Leslie Johnson, ZED, DPZ, responded to questions from Commissioners Koch and DuBois about the scope of the application.

Chairman Murphy called the first listed speaker and recited rules for testimony before the Commission.

Ms. Amy Tozzi, 1800 Old Meadow Road, McLean, representing the condominium associations of The Regency at McLean and The Encore of McLean, expressed opposition to the applications because lighting of neighboring buildings constituted a nuisance and adversely affected the quality of life for residents. (A copy of her remarks is in the date file.)

Commissioner Alcorn noted that the Development Criteria Review Committee had drafted proposed text which addressed light pollution.

Ms. Tozzi responded to a question from Commissioner Smyth about the negative affects of light pollution on residents.

In response to a question from Commissioner Koch, Ms. Tozzi said she would prefer that the building not be lighted at all.

Commissioner Smyth entered into the record letters from Mr. Douglas Rosenbaum, President, The Regency at McLean and Mr. Mike Muse, President, The Encore of McLean, expressing opposition to the applications. (Copies of the letters are in the date file.)

There were no further speakers, therefore, Chairman Murphy called upon Mr. Sampson for a rebuttal statement.

Mr. Sampson once again pointed out that lighting of the building had previously been approved and the reason the applications had been filed was only to seek permission to add a spire, which

was an integral part of the architectural theme of the project. He reiterated the fact that the applicant would not light the spire and would proffer to abide by updated glare standards for lighting of other parts of the building.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Smyth for action on these applications. (A verbatim transcript is in the date file.)

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Commissioner Smyth MOVED TO DEFER THE DECISION ONLY ON PCA-1998-PR-058 AND SEA-83-P-045-4 TO A DATE CERTAIN OF MAY 30, 2002.

Commissioner Koch seconded the motion which unanimously with Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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ZONING ORDINANCE AMENDMENT (Editorial Revisions) - To amend the Zoning Ord. as follows: Editorial revisions that correct a number of inconsistencies & errors caused by previously adopted amendments & do not alter the intent of the provisions beyond that which was intended by the BOS in the adoption of the original amendments. PUBLIC HEARING.

Ms. Delores Kinney, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed amendment.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Moon for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Moon MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE EDITORIAL REVISIONS, ZONING ORDINANCE AMENDMENT, AS ADVERTISED.

Commissioners Kelso and Alcorn seconded the motion which carried unanimously with Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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ZONING ORDINANCE AMENDMENT (Affordable Dwelling Unit Program) - To amend the Zoning Ord. as follows: Revisions to the ADU program provisions. PUBLIC HEARING.

Ms. Donna Pesto, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed amendment.

Chairman Murphy called for speakers from the audience.

Ms. Shara Zamarra, 7011 Calamo Street, Springfield, Director of Community Ministry of Northern Virginia, expressed support for the proposed amendment.

Commissioner Alcorn noted that a letter from Mr. Jerry Hopkins, 4022 Hummer Road, Annandale, President, Affordable Housing Opportunity Means Everyone (AHOME), supporting the proposed amendment, had been submitted for the record. (A copy of the letter is in the date file.)

There were no comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING AFFORDABLE DWELLING UNITS, AS SET FORTH IN THE STAFF REPORT DATED APRIL 8, 2002, WITH THE FOLLOWING REVISION: ON PAGE 14, TO AMEND THE LEAD PARAGRAPH IN PROPOSED PARAGRAPH 5 OF SECTION 2-802 ON PAGE 14, BEGINNING ON LINE 23, TO READ AS FOLLOWS: "FOR ANY RESIDENTIAL DEVELOPMENT IN THE R-2 THROUGH R-30 AND P DISTRICTS, WHICH IS NOT REQUIRED TO PROVIDE AFFORDABLE DWELLING UNITS PURSUANT TO THE PROVISIONS OF THIS PART..."

Commissioners Kelso and DuBois seconded the motion which carried unanimously with Commissioners Byers, Hall, Harsel and Wilson absent from the meeting.

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CLOSING

May 16, 2002

The meeting was adjourned at 10:10 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on: October 15, 2003

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission